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Attorney's Docket No.: 07334-325001 / MPI2000-542OMNI

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sean A. McCarthy et al. Art Unit : 1632  
Serial No. : 09/803,589 Examiner : Unknown  
Filed : March 9, 2001  
Title : NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC,  
DIAGNOSTIC, PREVENTIVE, THERAPEUTIC AND OTHER USES

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

In response to the Response To Request For Corrected Filing Receipt mailed on January 30, 2002 (copy enclosed), applicants submit herewith the following:

- ☒ Copy of Application Transmittal Letter dated March 9, 2001 (2 pages);
- ☒ Copy of page 1 of application specification (1 page);
- ☒ Copy of signed Combined Declaration and Power of Attorney (4 pages); and
- ☒ Copy of Filing Receipt to show requested change (1 page)

Applicants are simply requesting that the filing date of one of the parent applications (that is, U.S. Serial No. 09/388,279), currently listed incorrectly by the Patent and Trademark Office as September 2, 1999, on the filing receipt (copy enclosed), be corrected to reflect accurately its actual filing date of September 1, 1999. Applicants are not requesting that the filing date of this parent application be changed because, as the evidence provided above illustrates, applicants only ever provided a filing date of September 1, 1999, in their communications with the Office. The Office mistakenly changed this filing date to September 2, 1999. Thus, applicants request that the filing date be changed back to September 1, 1999, to correct the Office's own error.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Date of Deposit July 19, 2002  
Signature *Toni M. Sousa*

Toni M. Sousa  
Typed or Printed Name of Person Signing Certificate

Applicant : Sean A. McCarthy et al.  
Serial No. : 09/803,589  
Filed : March 9, 2001  
Page : 2

Attorney's Docket No.: 07334-325001 / MPI2000-  
542OMNI

Applicants also point out that a second parent application (that is, U.S. Serial No. 09/388,280) was filed on September 1, 1999. Its filing date was recorded correctly by the Office as September 1, 1999. Yet, its U.S. Serial No. is 1 greater than U.S. Serial No. 09/388,279, for which application the Office recorded the later filing date of September 2, 2002. This too illustrates that both parent applications were filed on September 1, 2002.

Applicants respectfully request that the Office correct its own mistake and list the filing date of U.S. Serial No. 09/388,279 as September 1, 1999.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 07334-325001.

Respectfully submitted,

Date: July 19, 2002

Andrew W. Torrance  
Andrew W. Torrance, Ph.D., J.D.  
Reg. No. 51,108

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

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## UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/803,589	03/09/2001	Sean A. McCarthy	07334-325001

 ANITA L. MEIKLEJOHN, PH.D.  
 Fish & Richardson P.C.  
 225 Franklin Street  
 Boston, MA 02110-2804


CONFIRMATION NO. 6829



\*OC00000007391043\*

Date Mailed: 01/30/2002

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Application Filing Date

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- ☐ The correct application number appears on the Filing Receipt. Your postcard included an incorrect application number. Please update your records to reflect the application number on the enclosed Filing Receipt. See MPEP 503.
- ☐ If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a request for a corrected Filing Receipt should be submitted along with a copy of the Express Mail label showing the "date in."
- ☐ A copy of the Express Mail label was not enclosed with your request. Please resubmit.
- ☐ The date on the Express Mail label is the date given on the Filing Receipt.
- ☐ The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).
- ☒ Filing date of a parent application cannot be changed by this request. A request for corrected Filing Receipt must be directed to such parent application.
- ☐ Applications submitted under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office.
- ☐ The filing date on your return postcard is the same as the date on your Filing Receipt.

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- ☐ A petition under 37 CFR 1.10 or 1.53 is needed to correct the filing date. The petition should be directed to the attention of the Office of Petitions.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

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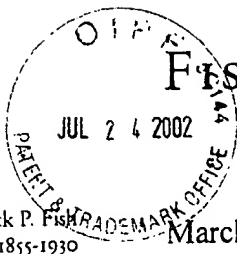
*A copy of this notice MUST be returned with the reply.*

*A. GIZAW*

---

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



FISH & RICHARDSON P.C.

Frederick P. Fish  
1855-1930

March 9, 2001

W.K. Richardson  
1859-1951

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225 Franklin Street  
Boston, Massachusetts  
02110-2804

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Facsimile  
617 542-8906

Web Site  
www.fr.com

Attorney Docket No.: 07334-325001

**Box Patent Application**  
Commissioner for Patents  
Washington, DC 20231

Presented for filing is a new continuation-in-part patent application of:

Applicant: SEAN A. MCCARTHY, DOUGLAS A. HOLTZMAN AND  
ANDREW D.J. GOODEARL

Title: NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC,  
DIAGNOSTIC, PREVENTIVE, THERAPEUTIC AND OTHER USES

Enclosed are the following papers, including those required to receive a filing date  
under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	77
Claims	7
Abstract	1
Declaration	[To be Filed at a Later Date]
Drawing(s)	18

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Enclosures:

- Nucleotide and/or amino acid sequence listing including:  
Computer readable copy; paper copy, 24 pages;  
Verification statement, 1 page.
- Copies of Petition for Extension of Time in parent cases.
- Postcard.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL298429755US

I hereby certify under 37 CFR §1.10 that this correspondence is being  
deposited with the United States Postal Service as Express Mail Post  
Office to Addressee with sufficient postage on the date indicated below  
and is addressed to the Commissioner for Patents, Washington,  
D.C. 20231.

Date of Deposit March 9, 2001

Signature Daniel C. Messier

Daniel C. Messier  
Typed or Printed Name of Person Signing Certificate

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DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, D.C.

Commissioner for Patents

March 9, 2001

Page 2

This application is a continuation-in-part (and claims the benefit of priority under 35 USC 120) of U.S. Application Serial No. 09/128,709, filed August 4, 1998, which claims priority from U.S. Serial No. 60/054,645, filed August 4, 1997; U.S. Application Serial No. 09/130,491 (filed August 6, 1998), which claims priority from U.S. Serial No. 60/054,966, filed August 6, 1997 and U.S. Serial No. 60/058,108, filed September 5, 1997; U.S. Application Serial No. 09/388,280, filed September 1, 1999, a divisional of U.S. Application Serial No. 09/130,491, filed August 6, 1998, which claims priority from U.S. Serial No. 60/054,966, filed August 6, 1997 and U.S. Serial No. 60/058,108 filed September 5, 1997; and U.S. Application Serial No. 09/388,279, filed September 1, 1999, a divisional of U.S. Application Serial No. 09/130,491, filed August 6, 1998, which claims priority from U.S. Serial Number 60/054,966, filed August 6, 1997 and U.S. Serial Number 60/058,108, filed September 5, 1997. The disclosure of the prior application is considered part of (and is incorporated by reference in) the disclosure of this application.

Basic filing fee	\$710
Total claims in excess of 20 times \$18	\$306
Independent claims in excess of 3 times \$80	\$0
Fee for multiple dependent claims	\$0
Total filing fee:	\$1016

A check for the filing fee is enclosed. Please apply any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

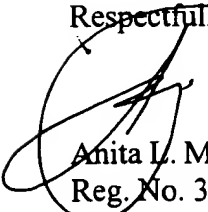
If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (617) 542-5070.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

ANITA L. MEIKLEJOHN, PH.D.  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804

Respectfully submitted,

  
Anita L. Meiklejohn, Ph.D.  
Reg. No. 35,283

Enclosures

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/803,589	03/09/2001	1632	1146	07334- 325001 / MPI2000-54	17	37	2

CONFIRMATION NO. 6829

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FISH & RICHARDSON, P.C.  
BOSTON OFFICE

UPDATED FILING RECEIPT



\*OC000000007787885\*

Date Mailed: 04/03/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Sean A. McCarthy, San Diego, CA;  
Douglas A. Holtzman, Jamaica Plain, MA;  
Andrew D.J. Goodearl, Natick, MA;

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## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/128,709 08/04/1998 ABN  
WHICH CLAIMS BENEFIT OF 60/054,645 08/04/1997  
THIS APPLICATION 09/803,589  
IS A CIP OF 09/130,491 08/06/1998  
WHICH CLAIMS BENEFIT OF 60/054,966 08/06/1997  
AND CLAIMS BENEFIT OF 60/058,108 09/05/1997  
THIS APPLICATION 09/803,589  
IS A CIP OF 09/388,280 09/01/1999  
WHICH IS A DIV OF 09/130,491 08/06/1998  
WHICH CLAIMS BENEFIT OF 60/054,966 08/06/1997  
AND CLAIMS BENEFIT OF 60/058,108 09/05/1997  
THIS APPLICATION 09/803,589  
✓ IS A CIP OF 09/388,279 09/02/1999 ABN 09/01/1999  
WHICH IS A DIV OF 09/130,491 08/06/1998  
WHICH CLAIMS BENEFIT OF 60/054,966 08/06/1997  
AND CLAIMS BENEFIT OF 60/058,108 09/05/1997

DOCKETED BY PRACTICE SYSTEMS	
Action Code	Corr. OFR
Base Date	4/14/02
Due Date	5/3/02
Deadline	-
Initials	PER On

## Foreign Applications

**If Required, Foreign Filing License Granted 07/13/2001**

**Projected Publication Date: 07/11/2002**

**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

Novel genes encoding proteins having prognostic, diagnostic, preventive, therapeutic and other uses

**Preliminary Class**

800

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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**NOT GRANTED**

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